

EXHIBIT “5”

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MARICOPA COUNTY ATTORNEY

By: Thomas P. Liddy (019384)  
Joseph J. Branco (031474)  
Joseph E. LaRue (031348)  
Karen J. Hartman-Tellez (021121)  
Deputy County Attorneys  
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*Attorneys for the Defendant*  
*Maricopa County Board of Supervisors*

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ARIZONA**

Kari Lake and Mark Finchem,

Plaintiffs,

vs.

Kathleen Hobbs, et al.,

Defendants.

No. 2:22-cv-00677-JJT

**AFFIDAVIT OF EMILY CRAIGER IN  
SUPPORT OF DEFENDANT  
MARICOPA COUNTY'S  
APPLICATION FOR ATTORNEYS'  
FEES**

(Honorable John J. Tuchi)

1 STATE OF ARIZONA )  
2 County of Maricopa ) ss.

3 Emily Craiger, being first duly sworn, states as follows:

4 1. I am attorney of record for Defendant the Maricopa County Board of  
5 Supervisors (the “County”) in the above-captioned action and make these statements based  
6 on my own personal knowledge and in support of the County’s concurrently filed  
7 Application for Attorneys’ Fees (the “Application”).

8 2. I have been a member of the State Bar of Arizona since 2002 and my practice  
9 focuses on election litigation and employment law. I am a partner with the law firm of The  
10 Burgess Law Group.

11 3. I earned my law degree from the University of Iowa College of Law in 2002  
12 and was admitted to practice law in Arizona that same year. In law school, I served as a  
13 judicial extern for Eighth Circuit District Court Judge, the Honorable Michael J. Melloy.

14 4. Following graduation from Law School, I worked at the local law firms of  
15 Ridenour, Hienton, Kelhoffer, Lewis & Garth, P.C. and Robbins & Green, P.A., until I  
16 moved to the national law firm of Littler Mendelson, P.C., in 2004. During my time at these  
17 three firms, I practiced in the area of civil litigation with a focus on employment law. I  
18 litigated numerous cases in state and federal courts, as well as arguing before the Arizona  
19 Court of Appeals and Ninth Circuit Court of Appeals. After practicing at Littler Mendelson  
20 for nearly ten years, I left my Of Counsel position to work as a Senior Attorney in the Civil  
21 Division of the Maricopa County Attorney’s Office (“MCAO”). While there, I continued  
22 to litigate in federal and state courts. I was promoted to the Land Use & Transactional  
23 and Government Advice Practice Group leader positions before moving into the Assistant  
24 Division Chief position overseeing the Civil Division. Among other things, I worked closely  
25 with the Board of Supervisors and other County elected officials, as well as leading the  
26 election law team during the 2020 election. In 2022, I joined the Burgess Law Group as a  
27 Partner. Here I have continued my active litigation practice.

5. In addition to this matter, I have defended Maricopa County in the following election-related cases:

- *Aguilera v. Fontes*, No. CV2020-014083 (Maricopa Cty. Super. Ct., voluntarily dismissed, Nov. 7, 2020).

- *Donald J. Trump for President, Inc. v. Hobbs*, No. CV2020-014248 (Maricopa Cty. Super. Ct., Min. Entry Order, November 13, 2020 (dismissing Complaint with prejudice)). Complaint alleged that poll workers induced voters to press the “green button” forcing their ballots to be tabulated even though they had overvoted certain contests, which would therefore not be counted. Superior Court dismissed the Complaint with prejudice after conducting an evidentiary hearing.

- *Arizona Republican Party v. Fontes*, No. CV2020-014553 (Maricopa Cty. Super. Ct., Min. Entry Order, Nov. 18, 2020 (dismissing Complaint with prejudice)). Complaint alleged that Maricopa County improperly conducted statutory hand count. The Superior Court dismissed the complaint with prejudice.

- *Aguilera v. Fontes II*, No. CV2020-014562 (Maricopa Cty. Super. Ct., Min. Entry, Nov. 29, 2020, (dismissing Complaint with prejudice)), *affirmed* No. 1 CA-CV 20-0688 EL, 2021 WL 2425918 (Ariz. Ct. App. Jun. 15, 2021). Complaint alleged that (1) “Sharpie” pens, provided by the County in polling locations, caused overvotes; (2) Arizona law requires “perfect” voting machines, and the County’s tabulation equipment could not guarantee “perfect” results; and, (3) the Elections Procedures Manual requires that the public must have physical access—not online stream—to the ballot tabulation center where ballots are counted. After conducting an evidentiary hearing, the Superior Court dismissed the Complaint with prejudice for failing to state a claim upon which relief can be granted, or alternatively, denied the relief sought because Plaintiffs failed to produce evidence demonstrating entitlement to same.

- *Stevenson v. Ducey*, No. CV2020-096490 (Maricopa Cty. Super. Ct., voluntarily dismissed December 7, 2020).

1           • *Ward v. Jackson*, No. CV2020-015285 (Maricopa Cty. Super. Ct., Min.  
2 Entry Ruling, Dec. 4, 2020 (dismissing the Complaint with prejudice)), *affirmed* No. CV-  
3 20-0343-AP/EL (Ariz. S. Ct. Dec. 8, 2020), *cert. denied*, 209 L. Ed. 2d 125, 141 S. Ct. 1381  
4 (2021). Complaint alleged that (1) the Maricopa County Recorder did not allow proper  
5 observation of signature verification for early ballot affidavit envelopes and so the verified  
6 signatures were suspect, and (2) ballots needing to be duplicated were duplicated  
7 erroneously. After conducting evidentiary hearing, the Superior Court denied the requested  
8 relief, “confirming the election,” because the Court found that evidence did not show fraud,  
9 misconduct, illegal votes, or erroneous vote count. On appeal, the Arizona Supreme Court  
10 “conclud[ed], unanimously, that . . . the challenge fails to present any evidence of  
11 ‘misconduct,’ ‘illegal votes’ or that the Biden Electors ‘did not in fact receive the highest  
12 number of votes for office,’ let alone establish any degree of fraud or a sufficient error rate  
13 that would undermine the certainty of the election results.” *Ward v. Jackson*, No. CV-20-  
14 0343-AP/EL, 2020 WL 8617817, at \*2.

15           • *Bowyer v. Ducey*, No. CV-20-02321-PHX-DJH, 506 F.Supp.3d 699, 2020  
16 WL 7238261 (D. Ariz. Dec. 9, 2020 (granting motion to dismiss)). Complaint alleged fraud  
17 resulting from foreign interference in the election via offshore algorithms that somehow  
18 infiltrated Maricopa County’s vote tabulation equipment, leading to “injections” of votes for  
19 President-elect Biden, and ballot fraud. After reviewing the “evidence” submitted by the  
20 plaintiffs, the Court dismissed the case, ruling that the “Plaintiffs failed to provide the Court  
21 with factual support for their extraordinary claims[.]” 506 F. Supp.3d at 724.

22           • *Burk v. Ducey*, No. S1100CV202001869 (Pinal Cnty. Sup. Ct. Dec. 15,  
23 2020 (granting motion to dismiss)), *affirmed* No. CV-20-0349-AP/EL, 2021 WL 1380620  
24 (Ariz. Jan. 6, 2021), *cert. denied*, 209 L. Ed. 2d 735, 141 S. Ct. 2600 (2021). Complaint  
25 alleged similar fraud as *Bowyer v. Ducey*. The Superior Court granted the motion to dismiss  
26 and the Arizona Supreme Court affirmed.

1           6.       Filed as Exhibit 3 to the Application is a Task-Based Itemized Statement of  
2 Attorneys' Fees. Exhibit 3 contains a detailed compilation of the legal time I devoted to the  
3 County's defense of this action. Exhibit 3 is based on individual time entries I recorded on  
4 a daily basis. The time records and description of tasks performed were regularly entered  
5 into the firm's computerized accounting and billing system. Billings are generated from  
6 the computerized system and Exhibit 3 accurately reflects the legal work performed on  
7 behalf of the County.

8           7.       My billing rate of \$400 per hour in connection with this matter is  
9 commensurate with my education, experience and training. I am generally familiar with the  
10 rates charged by other attorneys and law firms in this community with similar experience,  
11 education and training, and the rate I charged for the time expended on this matter is  
12 consistent with those rates.

13           8.       The amount of attorneys' fees paid by the County as indicated by the attached  
14 records is \$71,220.00. Said sum is fair and reasonable compensation in this county for the  
15 nature of the service and the skill required in this action.

16           9.       I have personally reviewed my billing statements generated in this  
17 representation and after evaluating the efforts necessary, I believe that the total sum of  
18 reasonable and appropriate attorneys' fees related to my representation of the County comes  
19 to \$71,220.00.

20           Pursuant to Ariz.R.Civ.P. 80(i), I declare that under penalty of perjury that the  
21 foregoing is true and correct.

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1 FURTHER AFFIANT SAYETH NAUGHT  
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3 \_\_\_\_\_  
4 Emily Craiger  
5

6  
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8 SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of December, 2022.  
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10 \_\_\_\_\_  
11 Notary Public  
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13 Commission and Seal:  
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1 FURTHER AFFIANT SAYETH NAUGHT

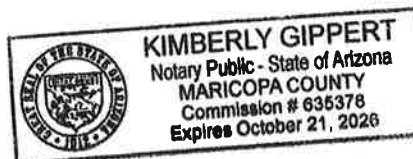
2  
3   
4 Emily Craiger

5  
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7  
8 SUBSCRIBED AND SWORN to before me this 15<sup>TH</sup> day of December, 2022.

9  
10   
11 Notary Public

12 Commission and Seal:

13 10/21/2022





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[hartmank@mcdo.maricopa.gov](mailto:hartmank@mcdo.maricopa.gov)  
[ca-civilmailbox@mcdo.maricopa.gov](mailto:ca-civilmailbox@mcdo.maricopa.gov)

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Maricopa County Board of Supervisors*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Kari Lake and Mark Finchem,

Plaintiffs,

vs.

Kathleen Hobbs, et al.,

Defendants.

No. 2:22-cv-00677-JJT

**AFFIDAVIT OF JOSEPH E. LA RUE  
IN SUPPORT OF DEFENDANT  
MARICOPA COUNTY'S  
APPLICATION FOR ATTORNEYS  
FEES**

(Honorable John J. Tuchi)

STATE OF ARIZONA

} ss.

County of Maricopa )

Joseph E. La Rue , being first duly sworn, states as follows:

1. I am attorney of record for Defendant the Maricopa County Board of Supervisors (the "County") in the above-captioned action and make these statements based on my own personal knowledge and in support of the County's concurrently filed Application for Attorneys' Fees (the "Application").

2. I graduated from Notre Dame Law School in 2006 and was admitted to practice in Ohio that same year. I was admitted to practice in Arizona in 2014. I have been practicing law continuously for sixteen years.

3. I have extensive election law experience, as explained in this Affidavit. Paragraphs 4-7 describe my experience chronologically. Paragraphs 8 and 9 provide a list of representative cases in which I have participated.

4. I was trained in election law by prominent election law attorney James Bopp, Jr., at The Bopp Law Firm. Following graduation from law school, I was employed at Graydon Head & Ritchey, a large, regional law firm headquartered in Cincinnati, Ohio, before accepting a position with the Bopp Law Firm in Terre Haute, Indiana in October, 2007.<sup>1</sup> The Bopp Law Firm is a boutique law firm specializing in election law. I had the opportunity to be trained by James ("Jim") Bopp, Jr., the lead attorney in the Firm. Mr. Bopp is regarded as one of the premier Republican election law attorneys in America.<sup>2</sup> In May, 2010, I was appointed to lead the Campaign Finance and Independent Expenditure

<sup>1</sup> The Firm's name when I joined it was *Bopp, Coleson & Bostrom*.

<sup>2</sup> See, e.g., Reuters, "The Echo Chamber: Influence at the Supreme Court" (Dec. 8, 2014), available at <https://www.reuters.com/investigates/special-report/scotus/> (recognizing Mr. Bopp as one of "an elite cadre of lawyers (that) has emerged as first among equals, giving their clients a disproportionate chance to influence the law of the land" by getting their clients' appeals heard by the Supreme Court at a remarkable rate); Mark Bennett, "Terre Haute's Jim Bopp Jr. a conservative titan," *The Washington Times* (June 29, 2014), available at <https://www.washingtontimes.com/news/2014/jun/29/terre-hautes-jim-bopp-jr-a-conservative-titan/#ixzz369d7Ykgt%20>; Viveca Novak, "Citizen Bopp," *The American Prospect* (Jan. 2, 2012), available at <https://prospect.org/power/citizen-bopp/> (noting that "Over the past 30 years, Bopp has been at the forefront of litigation strategies that have reshaped campaign-finance law inexorably"); Stephanie Mencimer, "The Man Behind Citizens United Is Just Getting Started," *Mother Jones* (May/June, 2011), available at <https://www.motherjones.com/politics/2011/05/james-bopp-citizens-united/>.



1 Practice Group at the Bopp Law Firm. In that role, I managed a group of attorneys whose  
2 focus concerned advising and representing clients making independent expenditures,  
3 including litigating cases concerning their constitutional right to engage in this type of  
4 protected political speech.

5 5. I left the Bopp Law Firm in November, 2011 to become the Deputy General  
6 Counsel for Friends of Herman Cain, Inc., which was Herman Cain's campaign for  
7 president of the United States. I served in that position until January, 2012, when I joined  
8 Newt 2012, Inc., Newt Gingrich's campaign for president of the United States, as Deputy  
9 General Counsel.

10 6. From October, 2016 through December, 2019<sup>3</sup>, I served as the senior  
11 election law attorney at the Arizona Attorney General's Office. In that capacity, I  
12 provided advice and representation for election law matters to the Arizona Secretary of  
13 State, the Arizona Elections Director, and the Citizens Clean Elections Commission.

14 7. In January 2020, I joined the Maricopa County Attorney's Office  
15 ("MCAO") as a Senior Counsel in its Government Advice Practice Group, where I  
16 continued my practice of election law. I am currently the Election Law Team Leader for  
17 MCAO, responsible to oversee and lead the attorneys who work on election law matters.

18 8. I have been involved in a significant number of election law cases, including  
19 the following: *Minnesota Citizens Concerned for Life, Inc. v. Swanson*, 640 F.3d 304 (8th  
20 Cir. 2011), *reh'g en banc granted, opinion vacated* (July 12, 2011), *on reh'g en banc*, 692  
21 F.3d 864 (8th Cir. 2012) (successful challenge to Minnesota political reporting  
22 requirements for committees making independent expenditures); *Thalheimer v. City of*  
23 *San Diego*, 645 F.3d 1109 (9th Cir. 2011) (successful challenge to contribution and  
24 independent expenditure limits for political committees; first case to expand the holding  
25 of *Citizens United v. Fed. Elec. Comm'n*, 130 S.Ct. 876 (2010), to recognize that  
26

27 <sup>3</sup> I worked for a legal nonprofit from April, 2012 through October, 2016, where I  
28 represented clients with first amendment free speech and freedom of religion concerns and  
litigated cases involving those issues.

government cannot limit contributions to independent expenditure committees); *Fam. PAC v. McKenna*, 685 F.3d 800 (9th Cir. 2012) (ruled that law banning political committees from accepting contributions exceeding \$5,000 within 21 days of general election was unconstitutional as applied to ballot measure committees); *Democratic Nat'l Comm. v. Reagan*, 329 F. Supp. 3d 824 (D. Ariz.), *aff'd*, 904 F.3d 686 (9th Cir. 2018) (upheld Arizona law requiring in-precinct voting and banning ballot collection after ten-day bench trial)<sup>4</sup>; *Arizona Libertarian Party v. Hobbs*, 925 F.3d 1085 (9th Cir. 2019) (upheld Arizona ballot-access scheme, including signature requirements for ballot access, for recognized parties' candidates); *De La Fuente v. Arizona*, No. CV-16-02419-PHX-JZB, 2019 WL 2437300 (D. Ariz. June 11, 2019) (upheld Arizona ballot-access scheme, including signature requirements for ballot access, for independent candidates); *Isabel v. Reagan*, 394 F. Supp. 3d 966 (D. Ariz. 2019), *aff'd on other grounds*, 987 F.3d 1220 (9th Cir. 2021) (upheld Arizona's voter registration deadline against constitutional challenge);<sup>5</sup> *Maricopa Cty. Libertarian Party v. Maricopa County*, No. CV2021-002205 (Maricopa Cty. Super. Ct., May 4, 2021 (granting motion to dismiss Complaint alleging Maricopa County unlawfully excluded the Libertarian Party from observing forensic audit of County's tabulation equipment)).

9. Additionally I have extensive experience with litigation defending Maricopa County's 2020 general election, including the following cases:

<sup>4</sup> I was only involved in the bench trial and initial appeal, which is the portion to which I cited in this affidavit. The case continued after I left the Attorney General's Office. Ultimately, the United States Supreme Court agreed with the District Court's decision, which upheld the Arizona laws that I helped defend. The full citation for this matter is *Democratic Nat'l Comm. v. Reagan*, 329 F. Supp. 3d 824 (D. Ariz.), *aff'd*, 904 F.3d 686 (9th Cir. 2018), *on reh'g en banc sub nom. Democratic Nat'l Comm. v. Hobbs*, 948 F.3d 989 (9th Cir. 2020), *rev'd and remanded sub nom. Brnovich v. Democratic Nat'l Comm.*, 210 L. Ed. 2d 753, 141 S. Ct. 2321 (2021), *and rev'd and remanded sub nom. Democratic Nat'l Comm. v. Hobbs*, 948 F.3d 989 (9th Cir. 2020), *and rev'd and remanded sub nom. Brnovich v. Democratic Nat'l Comm.*, 210 L. Ed. 2d 753, 141 S. Ct. 2321 (2021), *and aff'd sub nom. Democratic Nat'l Comm. v. Hobbs*, 9 F.4th 1218 (9th Cir. 2021).

<sup>5</sup> I represented the Secretary of State at the trial court, and represented Maricopa County and the Maricopa County Recorder at the Ninth Circuit Court of Appeals.



1           • *Aguilera v. Fontes*, No. CV2020-014083 (Maricopa Cty. Super. Ct.,  
2 voluntarily dismissed, Nov. 7, 2020).

3           • *Donald J. Trump for President, Inc. v. Hobbs*, No. CV2020-014248  
4 (Maricopa Cty. Super. Ct., Min. Entry Order, November 13, 2020 (dismissing Complaint  
5 with prejudice)). Complaint alleged that poll workers induced voters to press the “green  
6 button” forcing their ballots to be tabulated even though they had overvoted certain  
7 contests, which would therefore not be counted. Superior Court dismissed the Complaint  
8 with prejudice after conducting an evidentiary hearing.

9           • *Arizona Republican Party v. Fontes*, No. CV2020-014553 (Maricopa Cty.  
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11 Complaint alleged that Maricopa County improperly conducted statutory hand count. The  
12 Superior Court dismissed the complaint with prejudice.

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15 20-0688 EL, 2021 WL 2425918 (Ariz. Ct. App. Jun. 15, 2021). Complaint alleged that (1)  
16 “Sharpie” pens, provided by the County in polling locations, caused overvotes; (2) Arizona  
17 law requires “perfect” voting machines, and the County’s tabulation equipment could not  
18 guarantee “perfect” results; and, (3) the Elections Procedures Manual requires that the  
19 public must have physical access—not online stream—to the ballot tabulation center where  
20 ballots are counted. After conducting an evidentiary hearing, the Superior Court dismissed  
21 the Complaint with prejudice for failing to state a claim upon which relief can be granted,  
22 or alternatively, denied the relief sought because Plaintiffs failed to produce evidence  
23 demonstrating entitlement to same.

24           • *Stevenson v. Ducey*, No. CV2020-096490 (Maricopa Cty. Super. Ct.,  
25 voluntarily dismissed December 7, 2020).

26           • *Ward v. Jackson*, No. CV2020-015285 (Maricopa Cty. Super. Ct., Min.  
27 Entry Ruling, Dec. 4, 2020 (dismissing the Complaint with prejudice)), *affirmed* No. CV-  
28 20-0343-AP/EL (Ariz. S. Ct. Dec. 8, 2020), *cert. denied*, 209 L. Ed. 2d 125, 141 S. Ct.

1 1381 (2021). Complaint alleged that (1) the Maricopa County Recorder did not allow  
2 proper observation of signature verification for early ballot affidavit envelopes and so the  
3 verified signatures were suspect, and (2) ballots needing to be duplicated were duplicated  
4 erroneously. After conducting evidentiary hearing, the Superior Court denied the  
5 requested relief, “confirming the election,” because the Court found that evidence did not  
6 show fraud, misconduct, illegal votes, or erroneous vote count. On appeal, the Arizona  
7 Supreme Court “conclud[ed], unanimously, that . . . the challenge fails to present any  
8 evidence of ‘misconduct,’ ‘illegal votes’ or that the Biden Electors ‘did not in fact receive  
9 the highest number of votes for office,’ let alone establish any degree of fraud or a  
10 sufficient error rate that would undermine the certainty of the election results.” *Ward v.*  
11 *Jackson*, No. CV-20-0343-AP/EL, 2020 WL 8617817, at \*2.

12           • *Bowyer v. Ducey*, No. CV-20-02321-PHX-DJH, 506 F.Supp.3d 699, 2020  
13 WL 7238261 (D. Ariz. Dec. 9, 2020 (granting motion to dismiss)). Complaint alleged  
14 fraud resulting from foreign interference in the election via offshore algorithms that  
15 somehow infiltrated Maricopa County’s vote tabulation equipment, leading to “injections”  
16 of votes for President-elect Biden, and ballot fraud. After reviewing the “evidence”  
17 submitted by the plaintiffs, the Court dismissed the case, ruling that the “Plaintiffs failed to  
18 provide the Court with factual support for their extraordinary claims[.]” 506 F. Supp.3d at  
19 724.

20           • *Burk v. Ducey*, No. S1100CV202001869 (Pinal Cnty. Sup. Ct. Dec. 15,  
21 2020 (granting motion to dismiss)), *affirmed* No. CV-20-0349-AP/EL, 2021 WL 1380620  
22 (Ariz. Jan. 6, 2021), *cert. denied*, 209 L. Ed. 2d 735, 141 S. Ct. 2600 (2021). Complaint  
23 alleged similar fraud as *Bowyer v. Ducey*. The Superior Court granted the motion to  
24 dismiss and the Arizona Supreme Court affirmed.

25           10. Filed as Exhibit 4 to the Application is a Task-Based Itemized Statement of  
26 Attorneys’ Fees that includes my billing entries. Exhibit 4 contains a detailed compilation  
27 of the legal time I devoted to the County’s defense of this action. Exhibit 4 is based on  
28



1 individual time entries I recorded on a daily basis. The time records and description of  
2 tasks performed were regularly entered into MCAO's computerized accounting system. I  
3 am paid a salary by the County and am required to track my time for County internal  
4 budgeting purposes. Billings are generated from the computerized system and Exhibit 4  
5 accurately reflects the legal work I performed on behalf of the County.

6 11. My billing rate of \$300 per hour in connection with this is commensurate  
7 with my education, experience and training. I am generally familiar with the rates charged  
8 by other attorneys and law firms in this community with similar experience, education and  
9 training, and the rate I charged for the time expended on this matter is consistent with  
10 those rates. In addition, the Arizona Court of Appeals approved as reasonable a rate of  
11 \$300 per hour for the work of two Assistant Attorneys General in an action that arose  
12 under the Arizona Fair Housing Act in 2015. *See City of Tempe v. State*, 237 Ariz. 360,  
13 367-68, ¶¶ 28-34 (App. 2015). Comparing the *City of Tempe* case with this matter, the  
14 "difficulty and quality of the work performed, the experience and reputation of counsel,  
15 and the nature and significance of the result" are comparable. *Id.*

16 12. The amount of attorneys' fees I billed as indicated by the attached records is  
17 \$40,770.00 Said sum is fair and reasonable compensation in this county for the nature of  
18 the service and the skill required in this action.

19 13. I have personally reviewed my billing statements generated in this  
20 representation and after evaluating the efforts necessary, I believe that the total sum of  
21 reasonable and appropriate attorneys' fees related to my representation of the County  
22 comes to \$40,770.00.

23 Pursuant to Ariz.R.Civ.P. 80(i), I declare that under penalty of perjury that the  
24 foregoing is true and correct.

25 FURTHER AFFIANT SAYETH NAUGHT

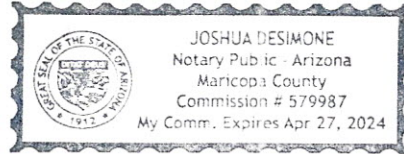
26   
27 Joseph E. La Rue  
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1  
2 SUBSCRIBED AND SWORN to before me this 15<sup>th</sup> day of December, 2022.

3  
4 Notary Public

5 Commission and Seal:

6 01/27/2024





Emily Craiger (Bar No. 021728)  
[emily@theburgesslawgroup.com](mailto:emily@theburgesslawgroup.com)  
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[hartmankmcao.maricopa.gov](mailto:hartmankmcao.maricopa.gov)  
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*Attorneys for the Defendant*  
*Maricopa County Board of Supervisors*

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ARIZONA**

Kari Lake and Mark Finchem,  
  
Plaintiffs,  
  
vs.  
  
Kathleen Hobbs, et al.,  
  
Defendants.

No. 2:22-cv-00677-JJT

**AFFIDAVIT OF KAREN J.**  
**HARTMAN-TELLEZ IN SUPPORT OF**  
**DEFENDANT MARICOPA COUNTY'S**  
**APPLICATION FOR ATTORNEYS'**  
**FEES**

(Honorable John J. Tuchi)

) SS.

Karen J. Hartman-Tellez, being first duly sworn, states as follows:

1. I am attorney of record for Defendant the Maricopa County Board of Supervisors (the "County") in the above-captioned action and make these statements based on my own personal knowledge and in support of the County's concurrently filed Application for Attorneys' Fees (the "Application").

2. I am Senior Counsel in the Civil Division of the Maricopa County Attorney's Office. I was admitted to practice in 2001, following my graduation *magna cum laude* from Arizona State University College of Law. After law school, I completed a judicial clerkship for then-Vice Chief Justice Ruth V. McGregor on the Arizona Supreme Court

3. Before joining the Maricopa County Attorney's Office, I practiced in the area of civil litigation, with a focus on constitutional and media law, at the law firm of Steptoe & Johnson LLP. I entered government practice in 2009, working for the Maricopa County Office of General Litigation Services from 2009 to 2011 and the Office of the Arizona Attorney General from 2011 to 2019, where I served as an Assistant Attorney General, Unit Chief Counsel, and Section Chief Counsel. Since 2013, I have been the editor of the Arizona Attorneys' Manual chapter on litigation with government agencies. *See e.g. Meyerson, Bruce and Norris, Patricia eds., Arizona Attorneys' Fees Manual* (State Bar of Ariz., 7th ed. 2021), Chapter 4, Litigation with Government Agencies.

4. I have substantial experience in voting rights and election litigation in state and federal courts, including representing plaintiffs in *Gonzalez v. Arizona*, No. CV06-1268-PHX-ROS (aka *Purcell v. Gonzalez*, 549 U.S. 1 (2006) and *Inter Tribal Council of Ariz. v. Arizona*, 570 U.S. 1 (2013)) and the government defendants, including the Arizona Secretary of State, in *Feldman v. Arizona*, No. CV-16-01065-PHX-DLR (aka *Democratic Nat'l Comm. v. Reagan*, 329 F. Supp. 3d 824 (D. Ariz.), *aff'd*, 904 F.3d 686 (9th Cir. 2018) and *Brnovich v. Democratic Nat'l Comm.*, 141 S. Ct. 2321 (2021)). In both of those cases,

1 I participated in bench trials in the District of Arizona and proceedings in the Ninth Circuit  
2 Court of Appeals and United States Supreme Court.

3 5. Filed as Exhibit 4 to the Application is a Task-Based Itemized Statement of  
4 Attorneys' Fees that includes my billing entries. Exhibit 4 contains a detailed compilation  
5 of the legal time I devoted to the County's defense of this action. Exhibit 4 is based on  
6 individual time entries I recorded on a daily basis. The time records and description of tasks  
7 performed were regularly entered into MCAO's computerized accounting system. I am  
8 paid a salary by the County and am required to track my time for County internal budgeting  
9 purposes. Billings are generated from the computerized system and Exhibit 4 accurately  
10 reflects the legal work I performed on behalf of the County.

11 6. My billing rate of \$300 per hour in connection with this is commensurate with  
12 my education, experience, and training. I am generally familiar with the rates charged by  
13 other attorneys and law firms in this community with similar experience, education, and  
14 training, and the rate I charged for the time expended on this matter is consistent with those  
15 rates. In addition, the Arizona Court of Appeals approved as reasonable a rate of \$300 per  
16 hour for the work of two Assistant Attorneys General in an action that arose under the  
17 Arizona Fair Housing Act in 2015. *See City of Tempe v. State*, 237 Ariz. 360, 367-68, ¶¶  
18 28-34 (App. 2015). Those Assistant Attorneys General were my colleagues in the Arizona  
19 Civil Rights Division and I was familiar with the work they did in that case. Comparing  
20 the *City of Tempe* case with this matter, the "difficulty and quality of the work performed,  
21 the experience and reputation of counsel, and the nature and significance of the result" are  
22 comparable. *Id.*

23 7. The amount of attorneys' fees I billed as indicated by the attached records is  
24 \$19,500.00 Said sum is fair and reasonable compensation in this county for the nature of  
25 the service and the skill required in this action

26 8. I have personally reviewed my billing statements generated in this  
27 representation and after evaluating the efforts necessary, I believe that the total sum of  
28


1 reasonable and appropriate attorneys' fees related to my representation of the County comes  
2 to \$19,500.00.

3 Pursuant to Ariz.R.Civ.P. 80(i), I declare that under penalty of perjury that the  
4 foregoing is true and correct.

5 FURTHER AFFIANT SAYETH NAUGHT

6  
7   
8 Karen J. Hartman-Tellez

9 SUBSCRIBED AND SWORN to before me this 15<sup>th</sup> day of December, 2022.

10  
11   
12 Notary Public

13 Commission and Seal:



Emily Craiger (Bar No. 021728)  
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THE BURGESS LAW GROUP  
3131 East Camelback Road, Suite 224  
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RACHEL H. MITCHELL  
MARICOPA COUNTY ATTORNEY

By: Thomas P. Liddy (019384)  
Joseph J. Branco (031474)  
Joseph E. LaRue (031348)  
Karen J. Hartman-Tellez (021121)  
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[ca-civilmailbox@mcao.maricopa.gov](mailto:ca-civilmailbox@mcao.maricopa.gov)

*Attorneys' for the Defendant*  
*Maricopa County Board of Supervisors*

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ARIZONA**

Kari Lake and Mark Finchem,  
  
Plaintiffs,  
  
vs.  
  
Kathleen Hobbs, et al.,  
  
Defendants.

No. 2:22-cv-00677-JJT

**AFFIDAVIT OF THOMAS P. LIDDY**  
**IN SUPPORT OF DEFENDANT**  
**MARICOPA COUNTY'S**  
**APPLICATION FOR ATTORNEYS**  
**FEES**

(Honorable John J. Tuchi)

1 STATE OF ARIZONA )  
2 County of Maricopa ) ss.

3 Thomas P. Liddy , being first duly sworn, states as follows:

4 1. I am attorney of record for Defendant the Maricopa County Board of  
5 Supervisors (the “County”) in the above-captioned action and make these statements based  
6 on my own personal knowledge and in support of the County’s concurrently filed  
7 Application for Attorneys’ Fees (the “Application”).

8 2. I am Chief of the Civil Division of the Maricopa County Attorney’s Office. I  
9 was admitted to practice in 1992, following my graduation from Fordham Law School. I  
10 am admitted to the bars of Arizona, New York, the District of Columbia and New Jersey  
11 (inactive).

12 3. Before joining the Maricopa County Attorney’s Office, I practiced in the area  
13 of civil litigation, with a focus on constitutional and media law, at the law firm Collier,  
14 Shannon, Rill & Scott in Washington, D.C. In 1995, I was appointed Deputy Counsel for  
15 the Republican National Committee where I practiced election law, campaign finance law,  
16 constitutional law and civil litigation. I was admitted to practice in Arizona in 1999,  
17 working in the area of tort defense and other civil litigation.

18 4. I have substantial experience in election law practice, including litigation, in  
19 state and federal courts, including representing candidates in the U.S. House of  
20 Representatives contest in Pennsylvania (*Fox vs. Hoeffel*); U.S. Senate contest in Nevada  
21 (*Ensign vs. Reid*), U.S. House of Representatives and Presidential contests in New Mexico  
22 (*Wilson vs. Kelly*); (*Bush vs. Gore*) and in 2008 in Hawaii and Washington for Senator John  
23 S. McCain’s presidential campaign. In addition, I have represented numerous Maricopa  
24 County officials in election litigation from 2008 to present, including:

25 • *Aguilera v. Fontes*, No. CV2020-014083 (Maricopa Cty. Super. Ct.,  
26 voluntarily dismissed, Nov. 7, 2020).

27 • *Donald J. Trump for President, Inc. v. Hobbs*, No. CV2020-014248  
28 (Maricopa Cty. Super. Ct., Min. Entry Order, November 13, 2020 (dismissing Complaint



1 with prejudice)). Complaint alleged that poll workers induced voters to press the “green  
 2 button” forcing their ballots to be tabulated even though they had overvoted certain contests,  
 3 which would therefore not be counted. Superior Court dismissed the Complaint with  
 4 prejudice after conducting an evidentiary hearing.

5 • *Arizona Republican Party v. Fontes*, No. CV2020-014553 (Maricopa Cty.  
 6 Super. Ct., Min. Entry Order, Nov. 18, 2020 (dismissing Complaint with prejudice)).  
 7 Complaint alleged that Maricopa County improperly conducted statutory hand count. The  
 8 Superior Court dismissed the complaint with prejudice.

9 • *Aguilera v. Fontes II*, No. CV2020-014562 (Maricopa Cty. Super. Ct.,  
 10 Min. Entry, Nov. 29, 2020, (dismissing Complaint with prejudice)), *affirmed* No. 1 CA-CV  
 11 20-0688 EL, 2021 WL 2425918 (Ariz. Ct. App. Jun. 15, 2021). Complaint alleged that (1)  
 12 “Sharpie” pens, provided by the County in polling locations, caused overvotes; (2) Arizona  
 13 law requires “perfect” voting machines, and the County’s tabulation equipment could not  
 14 guarantee “perfect” results; and, (3) the Elections Procedures Manual requires that the public  
 15 must have physical access—not online stream—to the ballot tabulation center where ballots  
 16 are counted. After conducting an evidentiary hearing, the Superior Court dismissed the  
 17 Complaint with prejudice for failing to state a claim upon which relief can be granted, or  
 18 alternatively, denied the relief sought because Plaintiffs failed to produce evidence  
 19 demonstrating entitlement to same.

20 • *Stevenson v. Ducey*, No. CV2020-096490 (Maricopa Cty. Super. Ct.,  
 21 voluntarily dismissed December 7, 2020).

22 • *Ward v. Jackson*, No. CV2020-015285 (Maricopa Cty. Super. Ct., Min.  
 23 Entry Ruling, Dec. 4, 2020 (dismissing the Complaint with prejudice)), *affirmed* No. CV-  
 24 20-0343-AP/EL (Ariz. S. Ct. Dec. 8, 2020), *cert. denied*, 209 L. Ed. 2d 125, 141 S. Ct. 1381  
 25 (2021). Complaint alleged that (1) the Maricopa County Recorder did not allow proper  
 26 observation of signature verification for early ballot affidavit envelopes and so the verified  
 27 signatures were suspect, and (2) ballots needing to be duplicated were duplicated  
 28 erroneously. After conducting evidentiary hearing, the Superior Court denied the requested

1 relief, “confirming the election,” because the Court found that evidence did not show fraud,  
 2 misconduct, illegal votes, or erroneous vote count. On appeal, the Arizona Supreme Court  
 3 “conclud[ed], unanimously, that . . . the challenge fails to present any evidence of  
 4 ‘misconduct,’ ‘illegal votes’ or that the Biden Electors ‘did not in fact receive the highest  
 5 number of votes for office,’ let alone establish any degree of fraud or a sufficient error rate  
 6 that would undermine the certainty of the election results.” *Ward v. Jackson*, No. CV-20-  
 7 0343-AP/EL, 2020 WL 8617817, at \*2.

8           • *Bowyer v. Ducey*, No. CV-20-02321-PHX-DJH, 506 F.Supp.3d 699, 2020  
 9 WL 7238261 (D. Ariz. Dec. 9, 2020 (granting motion to dismiss)). Complaint alleged fraud  
 10 resulting from foreign interference in the election via offshore algorithms that somehow  
 11 infiltrated Maricopa County’s vote tabulation equipment, leading to “injections” of votes for  
 12 President-elect Biden, and ballot fraud. After reviewing the “evidence” submitted by the  
 13 plaintiffs, the Court dismissed the case, ruling that the “Plaintiffs failed to provide the Court  
 14 with factual support for their extraordinary claims[.]” 506 F. Supp.3d at 724.

15           • *Burk v. Ducey*, No. S1100CV202001869 (Pinal Cnty. Sup. Ct. Dec. 15,  
 16 2020 (granting motion to dismiss)), *affirmed* No. CV-20-0349-AP/EL, 2021 WL 1380620  
 17 (Ariz. Jan. 6, 2021), *cert. denied*, 209 L. Ed. 2d 735, 141 S. Ct. 2600 (2021). Complaint  
 18 alleged similar fraud as *Bowyer v. Ducey*. The Superior Court granted the motion to dismiss  
 19 and the Arizona Supreme Court affirmed.

20           5. Filed as Exhibit 4 to the Application is a Task-Based Itemized Statement of  
 21 Attorneys’ Fees that includes a detailed compilation of some of the legal time I devoted to  
 22 the County’s defense of this action. Although I am salaried and as Division Chief, I am not  
 23 required to track my time in the County Attorney’s time-keeping software, Exhibit 4  
 24 accurately reflects the legal work I performed on behalf of the County. I kept track of my  
 25 time in Outlook in part by using my e-mail and calendar.

26           6. My billing rate of \$300 per hour in connection with this is commensurate with  
 27 my education, experience and training. I am generally familiar with the rates charged by  
 28



1 other attorneys and law firms in this community with similar experience, education and  
 2 training, and the rate I charged for the time expended on this matter is consistent with those  
 3 rates. In addition, the Arizona Court of Appeals approved as reasonable a rate of \$300 per  
 4 hour for the work of two Assistant Attorneys General in an action that arose under the  
 5 Arizona Fair Housing Act in 2015. *See City of Tempe v. State*, 237 Ariz. 360, 367-68, ¶¶  
 6 28-34 (App. 2015). Comparing the *City of Tempe* case with this matter, the “difficulty and  
 7 quality of the work performed, the experience and reputation of counsel, and the nature and  
 8 significance of the result” are comparable. *Id.*

9 7. The amount of attorneys’ fees I billed as indicated by the attached records is  
 10 \$10,200.00 Said sum is fair and reasonable compensation in this county for the nature of  
 11 the service and the skill required in this action

12 8. I have personally reviewed my billing statements generated in this  
 13 representation and after evaluating the efforts necessary, I believe that the total sum of  
 14 reasonable and appropriate attorneys’ fees related to my representation of the County comes  
 15 to \$10,200.00.

16 Pursuant to Ariz.R.Civ.P. 80(i), I declare that under penalty of perjury that the  
 17 foregoing is true and correct.

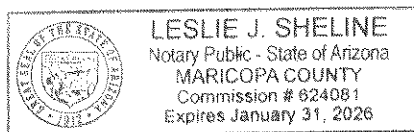
18 FURTHER AFFLANT SAYETH NAUGHT

19  
 20   
 21 Thomas P. Liddy

22 SUBSCRIBED AND SWORN to before me this 15<sup>th</sup> day of December, 2022.

23  
 24   
 25 Notary Public

26 Commission and Seal:



PCL XL error

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